IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRI. WRIT PETITION NO. 1034 OF 2005

Office Notes, Office Memoranda of :
of Coram, appearances, Court's orders : Court's or Judge's orders
and Registrar's orders. :

Mr. Bhavesh Parmar for the petitioner.

Mr. B.H.Mehta, A.P.P. for the Resp. No.1.

Mr. Shreepad Murthy for the Respondent No.2.

CORAM: R.M.S. KHANDEPARKAR & P.V. KAKADE, JJ.

DATED: 8TH APRIL, 2005

Taken up on board at the request.

P.C.:

1. Heard. Perused the record.

2. From what is transpired in the course hearing, the learned advocate for the petitioners craves leave to withdraw the petition with liberty to approach the City Civil Court for necessary relief in the matter with further request that, in order to enable the petitioners to approach the City Civil Court, the respondents be directed not to disturb the possession of the petitioners' premises for a period of two weeks and during that time, the petitioners also will not change the status in relation to their

structures. While accepting the statement on behalf of the petitioners that the petitioners will not cause any change in the status-quo in relation to their structures stated to be in existence in the suit plot, the respondents shall not cause any obstruction or interference with such premises, if any, of the petitioners in the suit plot for a period of two weeks in order to enable the petitioners to approach the City Civil Court. The respondents shall also not interfere with the electricity supply or water supply, if any, to the premises of the petitioners during this period.

2. Simultaneously, the petitioners will also not cause any obstruction in the construction activities stated to be carried out by the respondents in the suit plot. Of course, the said activities of construction shall not be in the area already occupied by the structures alleged to have been erected by the petitioners.

3. With the above observations and the liberty, the petition stands disposed of.

(R.M.S. Khandeparkar, J.)

(P.V. Kakade, J.)